

Minutes of a Regular Meeting

Approved 1/22/04

Town of Los Altos Hills PLANNING COMMISSION

Thursday, January 8, 2004, 7:00 p.m.
Council Chambers, 26379 Fremont Road

cc: Cassettes (1) #1-04

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Planning Commission regular meeting was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Commissioners Mordo, Vitu, Cottrell & Kerns

Absent: Chairman Clow

Staff: Carl Cahill, Planning Director; Debbie Pedro, Associate Planner; Angelica Herrera Olivera, Assistant Planner; Lani Smith, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

- 3.1 LANDS OF CORRIGAN, 13445 Robleda Road (179-03-ZP-SD); A request for a Site Development Permit for a landscape screening plan. (staff-Angelica Herrera Olivera)

Staff introduced this item by reviewing the staff report noting the original application for the new residence and detached garage with upper studio met with some neighbor concern regarding grading and drainage, vertical height, and overall visibility of the site from adjacent properties. Since that time the applicant has installed vegetation along Robleda Road and Wildflower Lane along the property boundaries and erosion control throughout the remainder of the property. In addition, the landscape screening plan proposes several large size specimen trees that will provide screening around the perimeter of the new residence and the accessory structure. The Environmental Design Committee did raise a concern with the proposed lighting plan as it shows light fixtures within the setback along the driveway, however, the light fixtures are spaced 40 feet apart and are located only between the two properties owned by the applicant. In addition, the driveway light fixtures have a shield that focuses the light directly on the driveway surfaces. Another lighting concern involves light fixture MR16. These lighting fixtures are proposed along several of the retaining walls and along the perimeter of the residence at every double door. Staff recommends that the number of light fixtures be reduced by one third and the fixtures be spaced at least 20 feet apart and approved only to point downward.

Commissioner Mordo asked why the Town does not like up lights especially on a knoll when there is no one above. Staff responded that sometimes the light source or the light that shines on the residence is actually visible from properties across the valley. The Town lighting policy was briefly discussed.

OPENED PUBLIC HEARING

Tom Klope, 960 N. San Antonio Road, Los Altos, project landscape architect, stated that the applicants have made a substantial commitment to the landscaping around the property. Over the last three years they have installed significant trees including 20 100-year old olive trees that are 25 feet high and 20 feet wide along Wildflower Lane. Previous to construction, there were no trees along that area except for apricot trees which are still there. They have made every effort to screen the site. Regarding the lighting, they have no problem reducing the number by one third. He provided a sample of the actual driveway light fixture for review. When the gates open on the property, the lights will go on and after a minute or two, after the car passes, they will go back down.

Sandy Humphries, 26238 Fremont Road, stated that there are two properties which the gate will close off. She voiced great concern and did not want to open the Town to any future litigation regarding gates at the end of a driveway. There are many subdivisions coming up in the near future that this could clearly affect i.e. Huang, Horton, Le Fevre, and Vidovich. She felt they were opening up an issue by allowing these gates at the end of the driveway (gated communities not allowed). There should be a gate for each individual property. Lands of Rogez was not permitted to have one gate for the three parcels on the corner of Edith Avenue and Fremont Road. This issue should go to the Council and the gates should be removed until this is resolved.

Sandy Humphries, Environmental Design Committee, felt a \$5000 landscape deposit was adequate for a one acre parcel but low for a five acre site. She understood from the Planning Director that residences do not have to identify all the items on the landscape plan. So far she has asked that Willows which are not native be removed from the conservation easement area, also grape vines be removed from the hillside above the conservation easement and creek area. Now the plan indicates Poplar trees which are not local California trees native to the area and have a highly invasive root system. Though they may not affect the Corrigan property, those trees will seed down stream and could cause major problems with underground sewer systems. She agreed that the screening was very well done asking if the neighbors were involved in the process, specifically the neighbor who has the driveway that comes directly in front of the Corrigan property (Danaher's) requesting some vegetation in that area. She voiced concern over Barron Creek also.

Discussion ensued regarding the gated driveway issue. It was noted that this is not a subdivision and not a private road; just a driveway. Driveways are allowed to serve up to two homes.

Sigrud Corrigan, 12797 Normandy Lane, applicant, felt the issue regarding the native Poplar trees could be answered by Tom Klope. She would like to provide some screening for her neighbor's driveway across from her property.

Tom Klope stated that the Poplars planted within the conservation easement are native to California and to local creeks. They are used to hold banks and these are a seedless variety. Are they native to this site, probably not. He felt it was an appropriate tree and the roots would help stabilize some of the banks in the area.

CLOSED PUBLIC HEARING

Commissioner Cottrell stated that although he appreciated Sandy's diligence and concerns he felt this plan was more than adequate. The gate issue has been addressed and the applicants have agreed to the reduction of lighting. He also felt the issue with the Poplar trees have been answered adequately and he could support the project. Commissioner Vitu felt the applicants have done a tremendous job on the landscape screening plan. Commissioner Mordo agreed. Commissioner Kerns commended the landscape architect for a great plan with the proposed mature trees. He also supports the project.

MOTION SECONDED AND PASSED: Motion by Commissioner Mordo and seconded by Commissioner Vitu to approve the Site Development Permit for a landscape screening plan, Lands of Corrigan, 13445 Robleda Road, with the following additions/changes to the conditions of approval: If the subject property is subdivided, the driveway entry gate and fencing shall be removed at the request of the Planning Department.

AYES: Commissioners Mordo, Vitu, Cottrell & Kerns
NOES: None
ABSENT: Chairman Clow

This approval is subject to a 23 day appeal period.

Discussion ensued regarding completion of landscape screening plans and deposits which are held for two years. Mrs. Corrigan agreed with Sandy Humphries regarding a \$5000 deposit for a five acre site being too low.

- 3.2 LANDS OF CHOPRA, 13212 East Sunset Drive (244-03-ZP-SD-VAR); A request for a Site Development Permit for a 386 square foot pool area patio, with BBQ, sink and counter, and a variance to encroach 19 feet into the front yard 40 foot setback. (staff-Angelica Herrera Olivera)

Staff introduced this item by reviewing the staff report.

OPENED PUBLIC HEARING

Shyamoli Banerjee, 13212 East Sunset Drive, applicant, discussed the patio area which is a very private area and the need for a variance request due to very little flat area on the site. Also, the road that borders the perimeter of the house is 8 to 10 feet below the site.

Commissioner Kerns clarified that this residence already extends into the setback. This was existing when the applicants purchased the house.

Sandy Humphries, Environmental Design Committee, stated the wall that the patio sits on top of is very visible and it should be painted a color or textured so it would not be obtrusive. She did not feel there was a way to use plants to mitigate it. Also, she stated that the patio was not originally in the setback so the patio is adding non-conformity onto non-conformity.

Ms. Banerjee stated that the wall mentioned will be painted to match the exterior of the existing house.

CLOSED PUBLIC HEARING

Commission Mordo disclosed that he had not visited the site. He stated that this property was already non-conforming because it encroached into the setback. When the owners completely remodeled several years ago with a new pool would have been the opportune time to foresee the patio. Now they have a hardship and need to request a variance. Why did they not foresee this when they remodeled the house? He does not see why they cannot locate the patio elsewhere. He referred to the Lands of Lo where the applicant did not create the situation. Commissioner Vitu felt the house existed this way; not that the applicants tore it down and re-built. The purpose of setbacks is to insure privacy from the neighboring property or visibility. In this case, there is at least a 10 foot drop from the top of the property to the road and there is no other house that would be impacted. The property is very constrained and there is not another place to do this reasonably. She could make findings for the variance. Commissioner Cottrell understood what Commissioner Mordo was expressing, however, the house was already there and there is no other reasonable place for the patio. In this case, there are no neighbors to impact on this constrained lot. Commissioner Kerns agreed with Commissioners Vitu and Cottrell as the house already existed and the site is somewhat constrained. He could make the findings for a variance. It was noted that the property is maxed out on development area.

MOTION SECONDED AND PASSED: Motion by Commissioner Cottrell and seconded by Commissioner Vitu to approve the Site Development Permit for a 386 square foot pool area patio, with BBQ, sink and counter, and a variance to encroach 19 feet into the front yard 40 foot setback, Lands of Chopra, 13212 East Sunset Drive, with the following additions/changes to the conditions of approval: delete reference to plantings and add to #6, "and shall paint the retaining wall at the swimming pool to match the existing residence."

AYES: Commissioners Vitu, Cottrell & Kerns
NOES: None
ABSENT: Chairman Clow
ABSTAIN: Commissioner Mordo (did not visit site)

This approval is subject to a 23 day appeal period.

- 3.3 AMENDMENT TO THE TOWN OF LOS ALTOS HILLS GENERAL PLAN HOUSING ELEMENT. One of the mandatory elements of a General Plan is a Housing Element that analyzes housing needs and adopts goals, policies, programs and quantified objectives to provide for housing needs. State law requires each town, city, and county to prepare a Housing Element that must be updated once every five years. The 2002 Housing Element is the statutory update of the Town's Housing Element which was adopted by the Town and submitted to the California Department of Housing and Community Development (HCD) for review in May 2002. The text amendments in the revised 2002 Housing Element incorporate revisions as evaluated by HCD as meeting the requirements of the *State's housing element law. The Housing Element update was subject to CEQA and an Initial Study and Negative Declaration was prepared for public review and comment in May 2002. Based on the fact that revisions to the 2002 Housing Element do not create any new significant adverse impacts, the proposed modifications to the Housing Element do not constitute significant new information that would require re-circulation of the Negative Declaration pursuant to CEQA Guidelines §15073.5.* (staff-Debbie Pedro)

Staff introduced this item by referring to the changes highlighted in blue. Brief discussion ensued regarding page 47, affordable housing, "density bonus".

OPENED PUBLIC HEARING

Dot Schreiner, Saddle Mountain Drive, was part of the sub committee that worked on the Housing Element commended Debbie Pedro and Deborah Ungo-McCormick for all their hard work on the updated Housing Element. She provided some important information that was not included in the staff report relating to the following: added new programs; annexed lands employee housing on institutional areas; and the State mandated care facilities. She addressed two concerns with the Element: (1) the monitoring of care facilities (usage, extra traffic, cars on site); and (2) second units approved at staff level rather than Planning Commission level. She felt the impact of secondary units on neighbors could be great especially relating to siting and placement. She would rather see secondary units reviewed by the Planning Commission to simply make sure the neighbors are aware of placement, etc. Otherwise, she supports the Housing Element. She hoped that other Elements will be updated, in particular, the Land Use Element which she felt was overdue. She further discussed Councilmember O'Malley's review of private roads to public road and the cost of bringing them up to date.

Commissioner Kerns clarified State law went into effect to approve secondary dwellings at staff level and the Housing Element was updated to be consistent with State law. It is not the prerogative of the Town to review secondary dwellings at the Planning Commission level.

CLOSED PUBLIC HEARING

The Commissioners were in agreement with the updated Housing Element and commended staff for their hard work.

MOTION SECONDED AND PASSED: Motion by Commissioner Cottrell and seconded by Commissioner Vitu to recommend approval of the General Plan Amendment to the Housing Element to the City Council.

AYES: Commissioners Cottrell, Mordo, Vitu & Kerns
NOES: None
ABSENT: Chairman Clow

4. OLD BUSINESS

4.1 Report from subcommittees-none

4.2 Proposed Fences, Walls, Gates and Columns Ordinance §10-1.507 (staff-Angelica Herrera Olivera)

Staff introduced this item by clarifying the changes that were incorporated into the proposed ordinance as a result of the Planning Commission's comments at the November 13, 2003 meeting. Commissioner Vitu questioned the open space conservation easement perimeter fence asking if this was referring to any conservation easement or those that are in designated open space areas in Town and what happens if the conservation easement is not on the perimeter of the property. Discussion ensued.

Commissioner Mordo commended staff for outstanding work as it is very clear and even better than the Woodside ordinance. He liked the graphics also. Commissioner Cottrell thanked staff for finding the deer fence sample material.

Sandy Humphries stated there should be no deer fencing in a conservation easement, asking if the ordinance does not indicate this, to please add it.

Discussion ensued regarding the following: fences on berms (no grading within 10 feet of a property line); gates being 7 feet in height including the lights; pathways within a conservation easement not being fenced (pathways to remain open); no deer fencing around the entire perimeter of a property; conservation easements for wildlife movement; open fence or entry gate to have no less than 50% open area when viewed perpendicular to the plane of the fence (item #7); keeping original wildlife paths open; no fences that would prevent wildlife movement in or out of a conservation easement (free circulation); open space conservation easement perimeter fences, minimum distance of lowest fence strand or rail from ground, 12" above grade; possibly no fences within setbacks to allow a wildlife corridor; a concern with a conservation easement in the middle of a property and how to fence the site; notifying neighbors of proposed fencing plan; fence and a view issue; and the need for a permit for any fence. This item will be heard at the Planning Commission and City Council level. The question of a Town wide notice/mailing for this item was discussed. Normally the Town wide mailing is for City Council items. The Commissioners would like to have a Town wide mailing for the item when scheduled for a

Planning Commission agenda also. The Planning Director will forward the Commissioner's request for a Town wide mailing at the next City Council meeting.

Sandy Humphries reiterated her feelings regarding Poplar trees and their invasive root system.

Dot Schreiner felt it was important that everyone knew that the construction of a fence (new or old) requires a permit.

This item will return for a noticed public hearing.

5. NEW BUSINESS

5.1 Schedule Planning Commission meeting for January 22, 2004

PASSED BY CONSENSUS: To schedule a second Planning Commission meeting for 1/22/04

5.2 Town Requirements for Selling Property in Portola Valley (staff-Angelica Herrera Olivera)

Staff introduced this item by reviewing the background of the Town requirements for selling property in Portola Valley. Commissioner Mordo felt if the process could be set up without too much trouble, it sounds like a great solution since this has been in effect in Portola Valley since 1970. Commissioner Cottrell felt this should be a mandatory part of any real estate transaction. Further discussion ensued regarding process and the File Maker Pro data base. The Commission liked the idea and would like to see an ordinance return to the Planning Commission that is similar to Portola Valley. Commissioner Mordo would like to see what the City of Woodside uses for requirements for selling properties.

6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for November 20th-Commissioner Kerns, reported on the following: Master Pathway Map update; discussion of proposal to grant pathway easement for Wildflower-Newbridge connection; acceptance of the Mora Drive sewer reimbursement agreement; review of the Approved Operating and Capital Improvement Program; consideration of approval of the New Town Hall budget; Lands of Kerns, conservation easement agreement; request to vacate existing pathway easements #1, 2, 3, 4 and offer to dedicate two partway easements, Lands of Kerns; and Lands of Pinewood School Conditional Use Permit.

6.2 Planning Commission Representative for December 4th-Commissioner Kerns, reported on the following: presentation by Comcast Cable; Lands of Lo, 14303 Saddle Mountain Drive; update on under grounding of utilities and proposed agreement between Godbe Associates and the Town of Los Altos Hills; and discussion of "Citizens for La Paloma Drainage Improvement" proposal.

6.3 Planning Commission Representative for December 18th-Commissioner Mordo, reported on the following: consideration of proposed lease with the Friends of Westwind, Inc. for Westwind Barn and Byrne Pasture; and consideration of a request to vacate existing Pathway Elements #1, 2, 3, 4 and offer to dedicate two new pathway easements, Lands of Kerns.

6.4 Planning Commission Representative for January 15th-Commissioner Vitu

7. APPROVAL OF MINUTES

7.1 Approval of November 13, 2003 minutes

MOTION SECONDED AND PASSED BY CONSENSUS: Motion by Commissioner Cottrell, seconded by Commissioner Mordo and passed by consensus to approve the November 13, 2003 minutes.

8. REPORT FROM FAST TRACK MEETING-NOVEMBER 25 & DECEMBER 2 2003

8.1 LANDS OF NAGARAJ, 25769 Elena Road (51-03-ZP-SD-GD); A request for a Site Development Permit for a 1,975 square foot addition (maximum height 27 feet) and a 2,155 square foot sport court. Approved with conditions.

8.2 LANDS OF SOMA, 12040 Moody Springs Court (84-03-ZP-SD-GD); A request for a Site Development Permit for a 5,625 square foot two story new residence with a 1,784 square foot basement (maximum height 27 feet). Approved with conditions.

9. REPORT FROM SITE DEVELOPMENT MEETING –NOVEMBER 11 & 18 AND DECEMBER 30, 2003

9.1 LANDS OF LEE, 27891 Lupine Road (190-03-ZP-SD-VAR); A request for a Site Development Permit for a 532 square foot addition and a variance to increase the plate height of an existing structure encroaching within the creek bank setback. Approved with conditions.

9.2 LANDS OF HUGHES, 25005 La Loma Drive (102-03-ZP-SD); A request for a Site Development Permit for a landscape screening plan. Approved with conditions.

9.3 LANDS OF OSKOUY, 24143 Hillview Drive (77-03-ZP-SD); A request for a Site Development Permit for a 1,000 square foot pool and a 3,129 square foot deck area and a Permit Modification of the previously approved Site Development Permit #229-00 for a new two-story residence to increase the size of the basement and grading quantities. Approved with conditions.

- 9.4 LANDS OF SINHA, 14317 Miranda Way (228-03-ZP-SD); A request for a Site Development Permit for a landscape screening plan. Approved with conditions.

10. ADJOURNMENT

The meeting was adjourned by consensus at 9:03 p.m.

Respectfully submitted,

Lani Smith
Planning Secretary